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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/176,274	10/21/1998	HIDEAKI OHSHIMA	862.2492	7987

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EXAMINER	
BRIER, JEFFERY A	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/176,274	OHSHIMA ET AL.	
	Examiner	Art Unit	
	Jeffery A. Brier	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,15-19,21-25 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,15-19,21-25 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 6/27/2005 has been entered.

Response to Argument

2. Applicants arguments filed on 6/27/2005 have been fully considered, however, they are deemed not to be persuasive.

Applicant contends in the sentence spanning page 11 and 12 "However, Thomson does not disclose or suggest determining a rendering position of the output image corresponding to the output size on the basis of a ratio of change in output position between the first and second positions held by the holding means compared to the image selected by the selection means". Two aspects of Thomson teaches determining the rendering position on the screen of the output image corresponding to an output size. The first is a window that is between 100% and 66% (or 66% and 33%) is rendered at a location on the screen different than the position of the window at 100% and the window at 66% (or the window at 66% and the window at 33%). The second is the individual widgets forming the window defined in the widget tree have positions within the window formed by that widget tree and when a window between 100% and 66% (or 66% and 33%) is rendered by interpolation then a rendering position of each widget in the window has had its position determined by using the positions found in the 100% widget and the 66% widget (the 66% widget and the 33% widget). Refer to column 6 lines 6-46 and column 7 lines 18-34 and 41-62. Column 6 lines 36-46

teaches interpolating between the stored 100%, 66%, and 33% window sizes defined by stored widget trees to form intermediate window sizes which states:

> In an alternate embodiment, the network administrator configures the network application for sizes to be viewed. For example, the network administrator may require 100%, 75% and 50%. In one embodiment, the network management application then creates the new views by shrinking the views as described above. In another embodiment, the network management application interpolates between two images from two sizes. For example, if the network administrator chooses 75%, the network management application would interpolate between the 100% images and the 66% images to create a 75% view.

The widget tree is explained at column 4 line 54 to column 5 line 3 which states:

> To control the view of the network device, the device object includes a graphical user interface object (GUI object). The generation of the GUI object is shown at step 240. In one embodiment of the present invention the GUI object is created from a number of widgets. The widgets form a widget tree. The top most widget, of the widget tree, is a child of a widget used for the network management application. The top most widget has an image representing the background of the network device. In the example above, the background would be the face plate of a hub. The remaining widgets in the widget tree represent other portions of the network device. For example, a widget may represent a port and that widget would include an image of the port. Other widgets may be used to represent LEDs, buttons, text, port connectors. The present invention is not restricted to the above specific structure of the widget tree, or even to the use of widgets.

Column 6 lines 6-35 discusses the three stored windows having corresponding widget trees which states:

> At 320, the network management application generates a new GUI object. This object includes the new widget tree

corresponding to the new size.

At 330, the network management application accesses a library of network device portion images. A set of images associated with a particular size is selected. In one embodiment, images for three different sizes are included in the library. One set represents a 100% size. The other two sets represent 66% and 33% sizes respectively. For example, if a 33% view of a hub were to be displayed, then a set of images representing a 33% view of a hub would be selected. Also, in step 330, each widget is assigned an image from the set of images for the selected size. For example, at 33%, a widget representing a network port, would include an image of a network port at 33% of the full images' size.

At 340, the network management application discontinues displaying the old GUI object. At 350, the new GUI object is displayed. In one embodiment of the present invention, this is accomplished by transmitting an X Window System manage call to the X display. The call contains a pointer to the new widget tree. Assuming computer system 100 is used, the X display then outputs all the images in the new widgets onto the display device 121.

In another embodiment, all the widget trees for all the sizes are created at initialization. For example, widget trees for 100%, 66%, and 33% views are created. Then, when a resize operation is made, the network management application transmits the manage call with a pointer to the corresponding widget tree.

Column 7 lines 18-34 and 41-62 discusses how each widget having a corresponding image has a corresponding location in the displayed window which states:

At lines 18-34:

The widget tree typically includes one parent, or top most widget. In the example of FIG. 4 this top most widget is the background widget 450. The widget tree would also include other widgets for example, port 1 widget 452 and port 2 widget 457. Each of these widgets represent ports on, for

example, a hub.

Each widget, representing a part of a network device, includes an associated X image. X images are created from the photo-realistic images of the network device. Typically, the X images are created using the XCreateImage(), an X Window System, call. Each X image is then assigned to a particular widget in the widget tree. However, to not overly obscure the description, X images and photo-realistic images will be referred to generally as images. One of ordinary skill in the art will understand when to draw the distinction.

At lines 41-62:

- As mentioned previously, when a resize is performed, a new widget tree is created. The network management application creates each widget from the corresponding image. This simplifies the creation of different sized views because the images determine the display area used by the view. Each widget determines how large the widget must be from the widget's corresponding image. Therefore, a 100% size view is made from information stored in a number of widgets. Each of these widgets knows its display area dimensions because they are based upon the dimensions of its corresponding 100% size image. Therefore, the 100% view display area depends on the aggregate display area of all the widgets used to create the 100% view. Using this technique also simplifies using enhanced data. If a particular portion of the network device is to be emphasized, then its corresponding image, for that size, can be made as large as is needed. Note that by making the enhanced image larger, that resulting part of the network work device will appear not to scale. The widget for that portion of the device makes itself as large as the enhanced image. The resulting view is then made from all the widgets, including the enhanced widget.

Thus, applicants argument is not persuasive since Thompson manifests to the skilled artisian the apparatus, method, and computer readable medium defined by the claims.

Refer to the following CAFC decision:

05-1022, -1023
NICHOLAS V. PERRICONE, M.D.,
Plaintiff-Appellant,
v.
MEDICIS PHARMACEUTICAL CORPORATION,
Defendant-Cross Appellant.
DECIDED: December 20, 2005

Which states on page 10:

Anticipation

A single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1565 (Fed. Cir. 1992). Thus, a prior art reference without express reference to a claim limitation may nonetheless anticipate by inherency. See In re Cruciferous Sprout Litig., 301 F.3d 1343, 1349 (Fed. Cir. 2002). "Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claims limitations, it anticipates." Id. (quoting MEHL/Biophile Int'l Corp. v. Milgraum, 192 F.3d 1362, 1365 (Fed. Cir. 1999). Moreover, "[i]hherency is not necessarily coterminous with knowledge of those of ordinary skill in the art. Artisans of ordinary skill may not recognize the inherent characteristics or functioning of the prior art." Id.; see also Schering Corp. v. Geneva Pharms., 339 F.3d 1373, 1377 (Fed. Cir. 2003) (rejecting the contention that inherent anticipation requires recognition in the prior art) (citing In re Cruciferous Sprout Litig., 301 F.3d at 1351; MEHL/Biophile, 192 F.3d at 1366).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, 7-9, 11, 15-19, 21-23, 25, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomson, U.S. Patent No. 5,682,487. Thomson

describes resizing windows that contain a view of a network device. As shown in figures 5-7 different sizes of windows may be selected by the user. At column 5 line 28 to column 6 line 51 it is clear that different sizes of windows are stored in a holding means. At column 6 lines 43-46 it is clear that for sizes between the stored sizes an interpolation is performed between two stored sizes. Interpolating uses the ratio between two known values to determine the desired value.

Claim 1:

Thomson teaches an image processing apparatus capable of variable magnification processing of output information (100%, 66%, 33%, 75%, etc.), comprising:

holding means for holding output images in a first size and output positions thereof, and holding output images in a second size and output positions thereof (*column 6 lines 9-13*);

selection means for selecting a desired image from the output images held by said holding means, and designating an output size of the selected image (*column 5 lines 60-64, column 6 lines 36-46*);

generation means for generating an output image corresponding to the output size on the basis of a ratio of change in output image size between the first and second sizes held by said holding means compared to the image selected by said selection means (*at column 6 lines 41-46 interpolation between the stored sizes is performed to determine the output image for the selected size*);

determination means for determining a rendering position of the output image corresponding to the output size on the basis of a ratio of change in output position between the first and second positions held by said holding means compared to the image selected by said selection means (*Figures 5-7 Thomson shows that different sized windows are displayed at different locations. Two aspects of Thomson teaches determining the rendering position on the screen of the output image corresponding to an output size. The first is a window that is between 100% and 66% (or 66% and 33%) is rendered at a location on the screen different than the position of the window at 100% and the window at 66% (the window at 66% and the window at 33%). The second is the individual widgets forming the window defined in the widget tree have positions within the window formed by that widget tree and when a window between 100% and 66% (or 66% and 33%) is rendered by interpolation then a rendering position of each widget in the window has had its position determined by using the positions found in the 100% widget and the 66% widget (or the 66% widget and the 33% widget). Refer to column 6 lines 6-46 and column 7 lines 18-34 and 41-62.*); and

rendering means for rendering the output image generated by said generation means at the rendering position determined by said determination means (*the interpolation step renders the output image and places it at position determined for that size of window*),

wherein the rendered output image is frame information of image information, the frame information including fitting information (*From a review of claims 8 and 9 it is clear the fitting information is either image information or character information. Thompson*

clearly teaches fitting information is image information. Column 4 lines 16-27 teaches photo-realistic images. Figures 5-7 show images having characters, thus, having character information.) fitted into a frame of the frame information by a fitting means (*X client.*) with the fitting information (*photo-realistic images*) designated by a designation means for the fitting information (*One designation means is taught at column 4 lines 16-27 which teaches the X client accesses one or more images. Another designation means is taught at column 4 lines 28-35 which teaches the network administrator designates the hub which designation accesses a particular image of the designated hub.*).

Claim 2:

Thomson teaches the apparatus according to claim 1, wherein said selection means selects the image from the output images in the first size held by said holding means (column 5 lines 60-64, column 6 lines 36-46).

Claim 3:

Thomson teaches the apparatus according to claim 1, wherein said rendering means renders the output image generated by said generation means on a display screen of a display device (Display Device 121, column 3 lines 6-12).

Claim 4:

Thomson teaches the apparatus according to claim 3, further comprising output means for outputting rendering information of said rendering means to an output device which permanently visually displays the rendering information in units of pages (hard copy device 124, column 3 lines 25-28).

Claim 5:

Thomson teaches the apparatus according to claim 1, wherein said rendering means renders the output image generated by said generation means as print information to a printing apparatus (hard copy device 124, column 3 lines 25-28).

Claim 7:

Thomson teaches the apparatus according to claim 6, wherein after fitting by said fitting means, a rendering size of the frame information of the image selected by said selection means is allowed to change (*See figures 5-7.*), and when the rendering size of the frame information is changed after fitting (*From figure 5 to figure 6 there is size change.*), a fitting position of the fitting information is changed in correspondence with movement of the rendering position determined by said determination means to hold a fitting positional relationship with the frame information (*As can be seen in the transistion from figure 5 to figure 6 the display position of device A is held in the same general area even though it has changed size.*).

Claim 8:

Thomson teaches the apparatus according to claim 7, wherein when the fitting information designated by said designation means is image information (*Column 4 lines 16-27 teaches photo-realistic images.*), said fitting means does not change the fitting information (*As can be seen in figures 5-7 the information for device A does not change even though it has changed size.*) irrespective of the change in size of the frame information of the image selected by said selection means, and renders an image in the fitting information, which corresponds to an interior of a frame of the frame information, as the fitting information in the frame (*The X window system along with the X client renders the photo-realistic image into the interior of the window frame.*).

Claim 9:

Thomson teaches the apparatus according to claim 7, wherein when the fitting information designated by said designation means is character information (*Figures 5-7 show images having characters, thus, having character information. This claim does not claim the type of character information is fitting information. Figure 5-7 also show characters in the menu (File View options Fault Configuration Performance Window).*), said fitting means displays the character information within a frame of the frame information of the image selected by said selection means (*The X window system along with the X client renders the photo-realistic image having character information into the interior of the window frame*).

Claim 11:

This claim is described in applicants specification at page 6 lines 7-15, page 22 line 1 to page 23 line 21.

Thomson teaches the apparatus according to claim 1, wherein a moving amount of a rendering position of the output image corresponding to the ratio of change in output position of the output image between the first and second sizes is compressed in the vicinity of an edge portion of an outputtable range so as to prevent the rendering position from falling outside the outputtable range of an output device upon movement of the rendering position determined by said determination means for the output image selected by said selection means (In Thomson, as the window is compressed or resized smaller, the objects in the window near an edge, as well as objects at other locations within the window, are compressed, this is seen by comparing figures 6 and 7 where the symbols, including the ones at the edges, have been shrunk and displayed). This claim does not exclude that which is shown to be old and well known by the Thomson reference since claim 1 is a comprising claim and claim 11 is a comprising claim by reference to claim 1 and due to the absence of limitation excluding performing position compression at locations other than the edges.

Claims 15-19, 21-23, and 25:

Claims 15-19, 21-23, and 25 are method claims corresponding to apparatus claims 1-5 and 11. The only difference being the style of the claims. The functions of

claims 1-5 and 11 are the same functions performed in claims 15-19 and 25. Claims 15-19 and 25 are rejected for the same reasons that claims 1-11 are rejected.

Claim 29:

Claim 29 is computer-readable memory claim corresponding to apparatus claim 1 and method claim 15. The only difference being the style of the claims. The functions of claims 1 and 15 are the same functions performed program stored in the computer-readable memory of claim 29. Claim 29 is rejected for the same reasons that claims 1 and 15 are rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson, U.S. Patent No. 5,682,487.

Claim 10 claims:

10. The apparatus according to claim 9, wherein when a size of the character information in a row direction falls outside the frame, said fitting means fits the character

information by automatically inserting a carriage return so as to make the character information fall within the frame.

Claim 24 is a method version of claim 10.

Thompson in figures 5-7 shows one device view to two device views to four device views, note how from figure 6 to figure 7 the words in the menu (File View options Fault Configuration Performance Window) are no longer in one line. As the view window changed sized and the character data for a line was too great a "carriage return" was used to place the character onto the next line. It is not clear if a "carriage return" is used by Thompson or if a line return is used or equivalent means is used to place the characters onto the next line. It is not clear if the movement of the character onto the next line is automatic or manual. It would have been obvious to one of ordinary skill in the art to automatically place a carriage return to move the characters to the next line since a carriage return is the standard way of moving characters onto the next line via the keyboards enter key or equivalent means and because it is legal precedent to automate an activity. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffery A Brier
Primary Examiner
Art Unit 2672